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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,218	09/02/2004	Frank Sterns	20040-1-0200	5217

26021 7590 01/29/2007  
HOGAN & HARTSON L.L.P.  
1999 AVENUE OF THE STARS  
SUITE 1400  
LOS ANGELES, CA 90067

EXAMINER
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LE, HUYEN D

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**SUPPLEMENTAL**  
**Office Action Summary**

Application No.

10/711,218

Applicant(s)

STERNS, FRANK

Examiner

HUYEN D. LE

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2615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 7, 17 and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Ryan et al. (U.S. patent 6,766,027).

Regarding claims 1 and 19, Ryan teaches a loudspeaker assembly that comprises a baffle (17, 19, and see col. 3, lines 27-28), a tweeter assembly (13), a woofer frame and a woofer assembly (15, 49, figure 1, 3, 4, 5). As shown in figures 1 and 5, the woofer frame is an integral part of the baffle, and the woofer assembly is mounted within the woofer frame.

Regarding claim 7, Ryan teaches the non-metallic baffle that is reinforced as claimed (figures 1, 3 and col. 4, lines 1-9).

Regarding claims 17 and 19, as broadly claimed, Ryan shows a baffle (19) and the woofer frame (17, 43, 49) that are one unitary component of the loudspeaker assembly, or the baffle (17, 19) and the woofer frame of the woofer (15) that are one unitary component of the loudspeaker assembly.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 8-16, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (U.S. patent 6,766,027).

Regarding claims 2-3, 9-10, 14 and 20-21, Ryan does not specifically teach the woofer assembly (15) that consists of a back plate, a magnet, a top plate, a coil, a spider, a surround and a cone as claimed. However, the examiner takes the Office Notice that providing a woofer assembly including a magnetic circuit having a back plate, a magnet and a top plate, a coil, a spider, a surround or suspension and a cone diaphragm is known in the art.

Since Ryan does not restrict to any type of the speaker assembly (15); it therefore would have been obvious to one skilled in the art to provide an electro-dynamic type that includes a magnetic circuit, a coil, a spider, a cone diaphragm and a suspension for the speaker assembly (15) of Ryan for an alternate choice of providing a powerful speaker system.

Regarding claims 4, 11 and 22, as shown from the drawings, the woofer assembly (15) is installed into the speaker assembly from the front (figure 1).

Regarding claims 5, 12, 16 and 18, Ryan shows the woofer frame (17, 19, 43, 49 and/or the frame for the assembly 15, figures 1, 2, 5) that is created as an integral part of the baffle. Ryan does not specifically teach the molding of the woofer frame and the baffle. However, Ryan does show the woofer (15) that is formed with the frame (17, 19) as one unit.

Therefore, it would have been obvious to one skilled in the art to mold the woofer (15) with the baffle (17, 19) of the Ryan speaker device for providing a better assembly to the device.

Regarding claims 6 and 8, Ryan teaches a loudspeaker assembly that comprises a baffle (17, 19, and see col. 3, lines 27-28), a tweeter assembly (13), a woofer frame and a woofer assembly (15, 49, figure 1, 3, 4, 5). As shown in figures 1 and 5, the woofer assembly is mounted within the woofer frame.

Ryan does not teach the speaker system that is used in an outdoor setting as claimed in claims 6 and 8. However, Ryan does not restrict to any applications for the speaker system (col. 1, lines 12-14).

Therefore, it would have been obvious to one skilled in the art to use the speaker system of Ryan to an outdoor setting for greater application.

Regarding claims 13 and 15, Ryan teaches the non-metallic baffle that is reinforced as claimed (figures 1, 3 and col. 4, lines 1-9).

### ***Response to Arguments***

5. Applicant's arguments filed 10/03/06 have been fully considered but they are not persuasive.

Responding to the arguments about the limitations of the woofer frame being an integral part of the baffle, the Applicant should note that the woofer frame (15) of Ryan is attached to the baffle (17, 19). Further, according to page 628 of Webster's Ninth New Collegiate Dictionary (1990), the term "integral" means "formed as a unit with another part". As shown by figures 1, 2, 3 and 5, the woofer frame is formed as a unit with the baffle.

Responding to the arguments about "molding the woofer frame and a baffle as a unitary component", the examiner refers to the Office Action. Further, as shown in the drawings, the

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woofer (15) of Ryan is formed with the frame (17, 19) as one unit. Therefore, it would have been obvious to one skilled in the art to attach and secure the woofer (15) to the baffle (17, 19) of the Ryan speaker device in any method such as molding for providing a better assembly to the device.

Responding to the arguments about claims 7, 13 and 15, as broadly claimed, the baffle (17, 19) of the Ryan speaker is reinforced by the fasteners and support brackets to secure the speaker (11) to the mounting surface.

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL  
December 7, 2006



HUYEN LE  
PRIMARY EXAMINER